

**IN THE CLAIMS**

**1. (currently amended)** A communication device connectable to an IP network, comprising:

- an input queue holding received packets until the packets are sent for a next process;
- a congestion monitor unit monitoring the input queue and determining whether the communication device is congested; ~~[[and]]~~
- a congestion information creating unit creating congestion information concerning a congested state of the communication device when the congestion monitor unit detects the congested state thereof, the congestion information being sent to other devices connected to the IP network~~[[,]]~~; and

~~wherein said congestion monitor further monitors a frequency of occurrence of congestion~~

a unit for determining a route that can avoid congestion for an input packet based on a frequency of occurrence of congestion at a packet destination of the input packet.

**2. (original)** The communication device as claimed in claim 1, further comprising:

- a routing table storing information used for routing an input packet; and
- an updating unit updating the routing table upon receiving congestion information from another device.

**3. (original)** The communication device as claimed in claim 1, wherein said congestion monitor unit detects a situation in which an input queue of the communication device overflows with packets so that packets are discarded.

**4. (original)** The communication device as claimed in claim 1, wherein said congestion monitor unit detects a situation in which packets are stored in an input queue of the communication device over a predetermined queue length.

**5. (original)** The communication device as claimed in claim 1, wherein the congestion information created by said congestion information creating unit is sent to other communication devices adjacent to the communication device.

**6. (original)** The communication device as claimed in claim 1, wherein the congestion information created by said congestion information creating unit is sent to other communication devices located within a given network range.

**7. (original)** The communication device as claimed in claim 1, further comprising a unit for relaying congestion information received from another network to a route via which packets can be transported.

**8. (canceled)**

**9. (previously presented)** The communication device as claimed in claim 1, further comprising a unit sending an input packet to an original route if congestion information is received both from another communication device in the original route and from a congested communication device in an alternative route.

**10. (previously presented)** The communication device as claimed in claim 1, further comprising a unit discarding an input packet if congestion information is received both from another communication device and from a congested communication device in an alternative route.

**11. (canceled)**

**12. (previously presented)** The communication device as claimed in claim 1, further comprising a unit notifying other communication devices of the frequency of occurrence of the congested state monitored by said congestion monitor unit and sending congestion information received from another communication device to a route having a smallest frequency of occurrence of congested state based on the congestion information received.

**13. (previously presented)** The communication device as claimed in claim 1, further comprising a unit sending information indicative of restoration from the congested state to other communication networks.

**14. (original)** The communication device as claimed in claim 1, wherein said congestion monitor unit monitors one of an input interface and an output interface of said communication device.

**15. (currently amended)** A communication control method applied to a device connected to an IP network, comprising the steps of:

- receiving a plurality of packets;
- holding the received packets in an input queue until the packets are sent for a next process;
- monitoring the input queue and determining whether the communication device is congested;
- creating congestion information concerning a congested state of the communication device when the congested state thereof is detected, the congestion information being sent to other devices connected to the IP network; [[and]]
- defining an accounting system based on a packet discard ratio determined based on a congestion avoiding control; and
- ~~wherein said congestion monitor further monitors a frequency of occurrence of congestion~~
- a unit for determining a route that can avoid congestion for an input packet based on a frequency of occurrence of congestion at a packet destination of the input packet.

**16. (currently amended)** A communication control method applied to a device connected to an IP network, comprising the steps of:

- receiving a plurality of packets;
- holding the received packets in an input queue until the packets are sent for a next process;

monitoring the input queue and determining whether the communication device is congested; [[and]]

creating congestion information concerning a congested state of the communication device when the congested state thereof is detected, the congestion information being sent to other devices connected to the IP network; and

~~wherein said congestion monitor further monitors a frequency of occurrence of congestion~~

a unit for determining a route that can avoid congestion for an input packet based on a frequency of occurrence of congestion at a packet destination of the input packet.

17. (original) The communication control method as claimed in claim 16, further comprising a step of:

updating a routing table storing information used for routing an input packet upon receiving congestion information from another device.

18. (currently amended) A system comprising:

a plurality of communication devices each connected to an IP network,

each of the plurality of communication devices comprising:

an input queue holding received packets until the packets are sent for a next process;

a congestion monitor unit monitoring the input queue and determining whether the communication device is congested; [[and]]

a congestion information creating unit creating congestion information concerning a congested state of the communication device when the congestion monitor unit detects the

congested state thereof, the congestion information being sent to other devices connected to the IP network; and

~~wherein said congestion monitor further monitors a frequency of occurrence of~~  
congestion

a unit for determining a route that can avoid congestion for an input packet based on a frequency of occurrence of congestion at a packet destination of the input packet.